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8 *Sgt. Donald Fletcher, Sgt. Mark Prettie and*  
*Las Vegas Metropolitan Police Department*

9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 GILBERT FIGUEROA,

12 Plaintiff,

13 vs.

14 GILL; ET AL.,

15 Defendants.

CASE NO.: 2:22-cv-00477-ART-DJA

**STIPULATION TO EXTEND DISCOVERY  
DEADLINES  
(Third Request)**

16 IT IS HEREBY STIPULATED AND AGREED between Defendants Raphael Gil, Sgt.  
17 Donald Fletcher, Sgt. Mark Prettie and Las Vegas Metropolitan Police Department (“LVMPD  
18 Defendants”), through their counsel, Kaempfer Crowell, and Plaintiff Gilbert Figueroa  
19 (“Plaintiff”) appearing in Proper Person, that discovery be continued for a period of ninety (90)  
20 days up to and including **October 2, 2023**.

21 **I. DISCOVERY COMPLETED TO DATE**

22 The LVMPD Defendants have provided their initial Rule 26 Disclosures and a  
23 supplemental disclosure to Plaintiff. Plaintiff has not provided any disclosures to date.  
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**II. DISCOVERY YET TO BE COMPLETED**

The LVMPD Defendants served their initial written discovery requests (Interrogatories, Requests for Admissions and Requests for Production of Documents (“RFPs”)) on Plaintiff. Following a thirty (30) day extension, Plaintiff provided his responses on March 3, 2023. In the responses to RFPs Plaintiff provided no documents; responding that the request is burdensome or not relevant. Most importantly, Plaintiff failed to provide a signed medical authorization so that the LVMPD Defendants could ascertain his prior medical history and the extent of the injuries related to the incident in the Complaint; stating he is refusing to provide the authorization until he gets an attorney. On April 19, 2023 the LVMPD Defendants sent a letter to Plaintiff explaining their position and requesting the signed authorization be provided within ten (10) days. As of the date of this request, Plaintiff has not provided a signed authorization.

In the event the parties are not able to resolve the current dispute with regard to Plaintiff providing a signed medical authorization, it will be necessary for the LVMPD Defendants to file a Motion to Compel and seeks the Court’s intervention. Only after the LVMPD Defendants have a signed medical authorization can third-party subpoenas be served.

The LVMPD Defendants timely disclosed their expert report. Plaintiff recently filed a Motion to Appoint an Expert at the Government’s Expense, ECF No. 37]. The LVMPD Defendants’ response is due May 30, 2023 which will be filed.

After Plaintiff’s medical records have been received, the LVMPD Defendants will file a Motion to take the deposition of Plaintiff.

**III. REASONS WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

This is the parties third request for an extension of the discovery deadlines in this matter. There have been delays with discovery mostly due to Plaintiff representing himself in proper person and being incarcerated. Initially, Plaintiff required additional time to provide his

1 discovery responses. Then, once the responses were made, they were deficient. Plaintiff has  
 2 refused to provide a signed medical authorization as he is not comfortable doing so until he has  
 3 an attorney.<sup>1</sup> It is the LVMPD Defendants' position that Plaintiff's failure to provide a signed  
 4 medical authorization is not proper. The parties are currently working on this issue and if  
 5 necessary, a Motion to Compel will be filed. Due to the LVMPD Defendants not having a  
 6 signed medical authorization, they have not been able to obtain Plaintiff's medical records  
 7 related to the incident in the Complaint and Plaintiff's medical history prior to the incident. This  
 8 has caused a significant delay requiring the parties to ask for more time.

9 In addition to the above matter, there is a pending Motion for Leave to File Amended  
 10 Complaint wherein Plaintiff is asking for leave to amend his Complaint and add a new  
 11 conspiracy claim against two additional LVMPD Officers. [ECF No. 35]. The LVMPD  
 12 Defendants have opposed the Motion. [ECF No. 36]. Plaintiff also recently filed a Motion for  
 13 Expert Witness at Government's Expense. [ECF No. 37]. The LVMPD Defendants will be  
 14 filing a timely response in opposition to Plaintiff's Motion. If the Court grants one or both of the  
 15 filed Motions, the scope and trajectory of discovery will change. In that event, more time will be  
 16 needed to complete discovery.

#### 17 **IV. PROPOSED EXTENDED DEADLINES**

18 The parties respectfully request this Court enter an order as follows:

##### 19 **(A) Discovery Deadline.**

20 The current discovery cut-off date of July 3, 2023, should be extended for a period of  
 21 sixty (60) days, up to and including **October 2, 2023**.

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24 <sup>1</sup> Plaintiff had previously filed a Motion to Appoint Counsel which was denied on March 20, 2023. [ECF No. 34].

1           **(B) Experts and Rebuttal Experts.**

2           The deadline for disclosure of experts has passed. Should the Court grant Plaintiff's  
3 Motion for Expert Witness, the parties can request a new expert disclosure deadline. The  
4 deadline for the parties to disclose any rebuttal expert reports will be **September 5, 2023**.

5           **(C) Dispositive Motions.**

6           All pretrial motions, including but not limited to, discovery motions, motions to dismiss,  
7 motions for summary judgment, and all other dispositive motions shall be filed and served no  
8 later than thirty (30) days after the close of discovery, or by **November 1, 2023**.

9           **(D) Motions in Limine/Daubert Motions.**

10          Under LR 16-3(b), any motions in limine, including *Daubert* motions, shall be filed and  
11 served 30 days prior to the commencement of Trial. Oppositions shall be filed and served and  
12 the motion submitted for decision 14 days thereafter. Reply briefs will be allowed only with  
13 leave of the Court.

14          **(E) Pretrial Order.**

15          Pursuant to LR 26(1)(e)(5), the Joint Pretrial Order shall be filed with this Court no later  
16 than thirty (30) days after the date set for filing dispositive motions, or by **December 1, 2023**,  
17 unless dispositive motions are filed, in which case the date for filing the Joint Pretrial Order shall  
18 be suspended until 30 days after the decision on the dispositive motions or further order of this  
19 Court. The disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections shall be included  
20 in the final pretrial order.

21          **(F) Extensions or Modification of the Discovery Plan and Scheduling Order.**

22          In accordance with LR <sup>26-3</sup>~~26-4~~, applications to extend any date set by the discovery plan,  
23 scheduling order, or other order must, in addition to satisfying the requirements of LR 6-1, be  
24 supported by a showing of good cause for the extension. All motions or stipulations to extend a

1 deadline set forth in a discovery plan shall be received by the Court not later than 21 days before  
2 the expiration of the subject deadline. A request made after the expiration of the subject deadline  
3 shall not be granted unless the movant demonstrates that the failure to set was the result of  
4 excusable neglect. Any motion or stipulation to extend a deadline or to reopen discovery shall  
5 include:

- 6 (a) A statement specifying the discovery completed;
- 7 (b) A specific description of the discovery that remains to be completed;
- 8 (c) The reasons why the deadline was not satisfied or the remaining discovery was  
9 not completed within the time limits set by the discovery plan; and
- 10 (d) A proposed schedule for completing all discovery.

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1 **V. CONCLUSION.**

2 This is the parties third request to extend the discovery deadlines and it is timely. The  
 3 parties are not attempting to delay this matter but seek an extension of the current deadlines so  
 4 that the parties can attempt to resolve a current discovery dispute without the Court's  
 5 intervention and determine the outcome of pending Motions which may change the course of  
 6 discovery. No party will be prejudiced by this extension and no Trial has been set. As such, the  
 7 parties ask the Court to extend the deadlines as requested herein.

8 IT IS SO STIPULATED this 30<sup>th</sup> day of May, 2023.

9 KAEMPFER CROWELL

10 By: /s/ Lyssa S. Anderson  
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By:   
 Gilbert Figueroa, #1235199  
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*Pro Se Plaintiff*

15  
 16 **ORDER**

17 IT IS SO ORDERED.

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 20 DANIEL J. ALBREGTS  
 UNITED STATES MAGISTRATE JUDGE

21 DATED: June 8, 2023